INITED STATES DISTRICT COLUMN	USDS SDNY DOCUMENT
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	ELECTRONICALLY FILED
STATE OF NEW YORK, STATE OF ILLINOIS, STATE OF MARYLAND, STATE OF WASHINGTON,	DATE FILED: MAY 0 2 2000
Plaintiffs,	
v. :	07 Civ. 8621 (PAC)
UNITED STATES DEPARTMENT OF HEALTH AND : HUMAN SERVICES, :	ECF CASE
Defendant. :	
MORGANNE MILES, by her mother KRYSTAL TITUS; OLIVIA MILES, by her mother KRYSTAL TITUS; PASCALE MOSSIN, by her mother AMY MARGARET MCCUTCIN; THEO CHAN, by his father SUNNY CHAN; LEAH CHAN, by her father, SUNNY CHAN,	
Plaintiffs, :	
v. :	08 Civ. 432 (PAC)
MICHAEL O. LEAVITT, Secretary, United States Department : of Health and Human Services, :	ECF CASE
Defendant. :	
ODDED	

ORDER

The scheduling order entered in these related matters on February 13, 2008, is amended as follows.

- 1. Defendants shall file their reply and opposition papers on or before May 16, 2008.
- 2. All plaintiffs shall file their reply papers on or before June 6, 2008.

UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

United States Attorney Southern District of New York

86 Chambers Street, 3rd floor New York, New York 10007

May 1, 2008

BY EMAIL

The Honorable Paul A. Crotty
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 735
New York, New York 10007

Re: State of New York, et al. v. Dep't of Health & Human Svcs., 07 Civ. 8621 (PAC);

Miles, et al. v. Leavitt, 08 Civ. 432 (PAC)

Dear Judge Crotty:

This Office represents the defendants in the above-captioned related matters, in which plaintiffs seek to challenge policy guidance recently disseminated by the Centers for Medicare and Medicaid Services ("CMS") regarding the State Children's Health Insurance Program ("SCHIP"). Pursuant to a stipulated briefing schedule so-ordered by the Court, defendants moved to dismiss both cases on March 17, 2008. Plaintiffs filed their opposition and crossmotion papers on April 16, 2008, and amicus curiae briefs in support of plaintiffs were filed on April 23, 2008. The defendants' reply/cross-opposition papers are presently due on May 9, 2008.

In total, plaintiffs and their *amici* have submitted in excess of one hundred pages of briefing, as well as numerous declarations and exhibits. Given the large volume of the materials to which defendants must now respond, defendants respectfully request that their upcoming briefing deadline be extended by one week, *i.e.*, to May 16, 2008, in order to ensure that defendants have sufficient time to prepare their submission. This adjustment would require a corresponding one-week extension of the subsequent deadline for plaintiffs' cross-reply papers, from May 30, 2008 to June 6, 2008. A proposed order to this effect is attached.

I have consulted with counsel for all plaintiffs, who consent to this request. This is the defendants' first request for an extension in this matter.

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I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA United States Attorney Southern District of New York

/s/ Serrin Turner
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Encl.

ce: John Schwartz, Esq. (by email)

Bryan Hetherington, Esq. (by email)